

Evolution of Reservation System in India: An Overview

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ABSTRACT

The reservation system is an affirmative action that addresses historical and social inequalities marginalized communities face. The reservation policy in India was introduced after independence to promote social justice and upliftment of historically disadvantaged groups such as the Scheduled Castes, Scheduled Tribes, and Other Backward Classes. The Indian Constitution provides for reservation in education, employment, and political representation. The reservation policy has been a subject of debate and controversy in India. While some argue that correcting historical injustices is necessary, others believe it is discriminatory and hinders merit-based selection. This research paper provides an overview of the reservation policy in India, examining the constitutional provisions that underpin this contentious issue. Through a comprehensive analysis of the historical and legal context, the study aims to shed light on the origins, implementation, and impact of reservation policy in India. By highlighting the challenges and opportunities this policy presents, the study seeks to contribute to the ongoing debate on affirmative action and social justice in India. Ultimately, this research paper offers a nuanced and insightful perspective on one of India's most complex and enduring issues.

KEYWORDS: Reservation, Positive discrimination, Affirmative action, Indian Constitution

INTRODUCTION

The reservation policy in India has been controversial since its inception. The reservation policy provided opportunities for historically disadvantaged groups with equal access to education and employment. The policy was introduced through the Indian Constitution, which guarantees equality of opportunity and prohibits discrimination based on religion, race, caste, sex, or place of birth. The Constitution also provides affirmative action measures, including reservation, to ensure historically marginalized groups receive equal opportunities. This study discusses the constitutional provisions that underlie the reservation policy in India and the various issues and debates surrounding it.

India's reservation policy is one of the world's most ambitious affirmative action policies. The policy is designed to provide opportunities for historically marginalized communities, including Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). The policy is rooted in the caste system, a social hierarchy that has existed in India for thousands of years. Historically, the lower

castes have faced discrimination and exclusion from society, and the reservation policy addresses this inequality.

The reservation policy in India has evolved over the years and has been subject to many amendments. The policy has also faced criticism and opposition from various sections of society. Critics argue that the policy has led to a culture of entitlement and failed to achieve its goals. Some argue that the policy is no longer relevant, as many historically marginalized communities have made significant progress in recent years. Others argue that the policy is discriminatory and violates the principle of meritocracy.¹

Despite the criticisms, the reservation policy remains essential for addressing inequality in India. The policy has helped many historically marginalized individuals access education and employment opportunities otherwise out of reach. The policy has also positively impacted the overall socioeconomic status of its target communities.

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Reservation policy in India refers to the affirmative action system that provides certain groups of people, primarily those belonging to historically disadvantaged castes and tribes, with access to educational institutions and government jobs.

The reservation policy in India is primarily based on the principle of social justice, and it aims to provide opportunities for people from socially and economically backward communities. The reservation policy is an essential tool for addressing historical injustices and discrimination. It helps ensure that education and employment opportunities are available to all sections of society, regardless of caste or social status.

The reservation policy in India covers a wide range of areas, including education, employment, political representation, and to fight against social discrimination in Indian society. Reservation quotas are provided for students belonging to socially and economically backward classes in all levels of education, from primary school to higher education. Reservation quotas are provided in government jobs and public sector undertakings for people from socially and economically backward classes. Reservation quotas are provided for members of scheduled castes and tribes in the Lok Sabha, State Assemblies, and Panchayats.

The reservation policy in India has been a subject of much debate and controversy, with some arguing that it perpetuates a system of caste-based discrimination. In contrast, others argue that correcting historical injustices and promoting social justice is necessary. Despite these debates, the reservation policy continues to be an essential tool for promoting social equality and ensuring that all citizens have access to opportunities for education and employment.

HISTORICAL EVOLUTION OF THE RESERVATION SYSTEM IN INDIA

The policy of reservation in India is a social justice initiative aimed at correcting historical and ongoing discrimination against marginalized and underprivileged communities, including scheduled castes (SCs), scheduled tribes (STs), and other backward classes (OBCs).² The roots of the reservation policy can be traced back to the colonial era when the British introduced the concept of affirmative action to address the backwardness of certain castes and tribes.³ However, it was not until the adoption of the Constitution of India in 1950 that the reservation policy was institutionalized to promote social justice and equality.⁴

Reservation in India refers to the affirmative action system that provides opportunities for individuals

from historically disadvantaged groups to access education, employment, and political representation.⁵ The reservation system in India has a long and complex history, with several significant milestones that have shaped its evolution.

The Communal Award was introduced by the British government in 1932, which provided separate electorates for different religious communities in India, including Muslims, Sikhs, and Christians.⁶ It attempted to address the political representation of minority communities, often marginalized by the majority Hindu community.⁷

The Poona Pact was an agreement between Mahatma Gandhi and Dr. B.R. Ambedkar in 1932, resolving the differences between the leaders over the Communal Award.⁸ As a result of the pact, the separate electorate system was replaced by reserved seats in the legislature for the Dalits (formerly known as Untouchables).⁹

The Constitution of India, which came into effect on January 26, 1950, included provisions for reservation in education and employment for Scheduled Castes.¹⁰ The Constitution also provided for the reservation of seats in the Lok Sabha (lower house of parliament) and the state assemblies for SCs and STs.¹¹

The Mandal Commission, also known as the Socially and Educationally Backward Classes Commission, was set up in 1979 to identify backward communities in India and recommend measures for their upliftment.¹² In 1990, the government of India implemented the recommendations of the Mandal Commission, which provided for 27% reservation in jobs and education for Other Backward Classes (OBCs) in addition to the existing reservation for SCs and STs.¹³

In the landmark Indra Sawhney case, the Supreme Court of India upheld the government's reservation policy and set certain limits and conditions for its implementation. The court ruled that reservation should not exceed 50% and that the creamy layer (the affluent members of the reserved categories) should be excluded from reservation benefits.¹⁴

In recent years, there have been debates about extending reservation benefits to other communities, such as the economically weaker sections (EWS) and the Marathas in Maharashtra. The government has also introduced reservations in the private sector, but its implementation is still early.¹⁵

The Constitution (103rd Amendment) Act, 2019, popularly known as the 10% quota bill, was passed by the Indian parliament in January 2019. The amendment provides 10% reservation in jobs and

education for economically weaker sections (EWS) of the general category, which are not covered under any other reservation scheme.¹⁶

In August 2018, the Indian parliament passed the National Commission for Backward Classes Act 2018, which replaced the earlier National Commission for Backward Classes. The new act gives constitutional status to the National Commission for Backward Classes and provides for the identification and inclusion of communities in the OBC list.¹⁷

The Constitution of India provides for reserving seats in educational institutions and government jobs for SCs, STs, and OBCs. The policy was initially intended to be in place for ten years, but it has been extended multiple times and remains in place today. Over the years, the reservation policy has been subject to debate and controversy. Supporters argue that addressing the historical and ongoing discrimination against marginalized communities is necessary. In contrast, opponents argue that it perpetuates a culture of entitlement and undermines merit-based selection. Despite these debates, the reservation policy remains a significant feature of India's social and political landscape, with many political parties using it as a tool to mobilize support among marginalized communities.¹⁸

Over time, the reservation policy in India has undergone several changes and modifications. For instance, in 1990, the government introduced a 27% quota for OBCs and the existing quotas for SCs and STs. It was a response to the recommendations of the Mandal Commission, which had identified OBCs as a socially and economically backward group needing affirmative action. The reservation policy has also been extended to include other disadvantaged groups, such as women, persons with disabilities, and economically weaker sections.¹⁹

Despite these efforts, the reservation policy remains a contentious issue in Indian politics. Critics argue it has not achieved its intended goals, leading to caste-based divisions and conflicts. However, supporters point to the positive impact of reservation in promoting social mobility and reducing inequality in Indian society.

Overall, the reservation policy in India remains a significant and complex issue, with proponents and opponents alike grappling with its implications for social justice, meritocracy, and equality.

Reservation in India has evolved, with several significant milestones shaping its implementation and impact. While the reservation system has helped in the socioeconomic empowerment of marginalized

communities, there are debates about its efficacy and potential drawbacks, such as the exclusion of deserving candidates from other communities. The issue remains complex and sensitive, and any changes or reforms to the reservation system will require careful consideration and deliberation.²⁰

CONSTITUTIONAL ASSEMBLY DEBATE ON RESERVATION IN INDIA

The Constitutional Assembly of India, which was tasked with drafting the Constitution of India, had extensive debates on the issue of reservation for disadvantaged communities. These debates were crucial in shaping the affirmative action policies that are in place in India today.

One of the key arguments in favor of reservation was that it was necessary to address the historical injustices and discrimination faced by specific communities, such as the Scheduled Castes (SCs) and Scheduled Tribes (STs). These communities had suffered from centuries of social and economic oppression, and reservation was seen as a means to provide them with opportunities for social and economic mobility.²¹

However, there were also concerns that reservation policies could lead to reverse discrimination and undermine meritocracy. Some members of the Constitutional Assembly argued that reservation policies should be temporary and phased out once the disadvantaged communities had achieved equality with other communities.

There were also debates on the scope and nature of reservation policies. For instance, some members argued that reservation should be based on economic criteria rather than caste. In contrast, others argued that reservation should be extended to other marginalized communities, such as women and religious minorities.²²

Ultimately, the Constitution of India included provisions for reservation for SCs, STs, and Other Backward Classes (OBCs) in educational institutions and government jobs. These provisions were initially intended to be temporary, but they have been extended over the years and are a crucial part of India's affirmative action policies. Despite the debates and controversies surrounding reservation policies, they have played a crucial role in providing opportunities for social and economic mobility for disadvantaged communities in India. However, there are ongoing debates about the effectiveness and implementation of these policies and the need for further measures to ensure social justice and inclusivity for all citizens.²³

Reservation policies have been a subject of intense debate and controversy in India since their inception. While some argue that these policies have effectively redressed historical injustices and promoted social justice and inclusivity, others contend that they have led to reverse discrimination and failed to achieve their intended goals.²⁴

One of the key criticisms of reservation policies is that they perpetuate the caste system and reinforce social divisions in society. Some argue that reservation policies should be based on economic criteria rather than caste or religion, as poverty is a universal measure of disadvantage.²⁵

There are also concerns that reservation policies have led to a decline in the quality of education and government services. Qualified candidates are often overlooked in favor of those who have benefited from reservation policies. Additionally, there are concerns that reservation policies have led to a culture of entitlement and dependence, as some beneficiaries of these policies may not strive to achieve excellence on their own.²⁶

Despite these criticisms, preservation policies remain essential for promoting social justice and inclusivity in India. Many argue that these policies are necessary to address the deep-rooted social and economic inequalities that exist in the country and to provide opportunities for historically disadvantaged communities.²⁷

There are ongoing debates about the effectiveness and implementation of reservation policies in India. Many advocates call for a more nuanced and comprehensive approach to affirmative action that considers various factors, including caste, economic status, gender²⁸, and religion. Ultimately, affirmative action policies in India aim to promote social justice and inclusivity and ensure that all citizens have equal opportunities to succeed and thrive in a diverse and rapidly changing society.²⁹

In the Constitutional Assembly debates on a reservation in India, there were discussions on the broader perspective of affirmative action policies and their role in promoting social justice and inclusivity. Many members of the Assembly recognized the need for affirmative action policies to address the historical injustices and discrimination faced by particular communities. They argued that reservation policies were necessary to provide these communities with opportunities for social and economic mobility and to ensure they had a fair chance to compete in the education and job markets.³⁰

At the same time, there were concerns about the potential negative impacts of reservation policies on

social cohesion and meritocracy. Some members of the Assembly argued that reservation policies should be temporary and phased out once the disadvantaged communities had achieved a level of equality with other communities. Others argued that affirmative action policies should be extended beyond reservation to include a range of measures to promote social justice and inclusivity, such as scholarships, financial assistance, and training programs. They emphasized the need to address the structural inequalities that underlie social and economic disparities and to create a more level playing field for all citizens.³¹

Ultimately, the Constitution of India included provisions for reservation for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) in educational institutions and government jobs. These provisions were intended to redress historical injustices and to promote social justice and inclusivity.³²

Over the years, there have been ongoing debates and controversies surrounding reservation policies in India. Many argue that these policies have successfully provided opportunities for historically disadvantaged communities. In contrast, others contend that they have led to reverse discrimination and failed to achieve their goals. Despite these debates, affirmative action policies remain essential for promoting social justice and inclusivity in India. The challenge is finding the right balance between addressing historical injustices and creating a level playing field for all citizens while ensuring that these policies effectively and efficiently achieve their goals.³³

In recent years, there have been calls for reforming the affirmative action policies in India to make them more inclusive and effective. Some experts argue that the current policies do not adequately address the needs of all disadvantaged communities and that new criteria, such as economic status, should be considered in addition to caste and religion. There have also been debates about implementing affirmative action policies, with concerns about corruption and inefficiencies in the system. Some argue that the policies should be implemented in a more transparent and merit-based manner, with a focus on empowering individuals rather than providing handouts.³⁴

In addition to reservation policies, there have been calls for other measures to promote social justice and inclusivity, such as improving access to education and healthcare and creating more employment opportunities in rural areas. At the same time, some argue that affirmative action policies have outlived their usefulness and have hindered social and

economic progress. They argue that the policies have created a culture of entitlement and dependence and failed to address the root causes of poverty and inequality.³⁵

After independence, the Indian Constitution was framed, reserving SCs and STs in educational institutions and government jobs under Articles 15(4) and 16(4).³⁶ However, the reservation was not provided for OBCs at that time. In 1979, the Mandal Commission was appointed to study the conditions of socially and educationally backward classes and recommend measures for their upliftment. Based on the Commission's recommendations, the government introduced reservations for OBCs in 1990 through the 74th Amendment to the Constitution.³⁷

Over the years, the reservation system in India has been expanded and refined through various legislative and judicial interventions. In 2006, the Central Educational Institutions (Reservation in Admission) Act was passed, providing reservations for OBCs in central educational institutions. In 2019, the government passed the Constitution (One Hundred and Twenty-Fourth Amendment) Bill, providing 10% reservation for economically weaker sections (EWS) among the general category in educational institutions and government jobs.³⁸

The reservation system in India has been the subject of much debate and criticism. While it has successfully provided opportunities to historically marginalized communities, it has also been criticized for perpetuating the caste system, being divisive, and creating resentment among other communities not covered by the reservation system. Nonetheless, the reservation system remains essential for social justice and inclusion in India.

CONSTITUTIONAL PROVISIONS FOR RESERVATION POLICY IN INDIA

Affirmative action policies in India aim to ensure historically disadvantaged groups' social, educational, and economic empowerment. These policies are enshrined in the Indian Constitution and are commonly called reservations or quotas. Here are some of the key constitutional provisions related to affirmative action policies in India:

Article 15 prohibits discrimination based on religion, race, caste, sex, or place of birth. It allows the state to make special provisions for advancing socially and educationally backward classes, Scheduled Castes (SCs), Scheduled Tribes (STs), and women.^{39,40}

Article 15(4) enables the state to make special provisions for advancing socially and educationally backward classes, including minority communities. This provision allows for reserving seats in

educational institutions and government jobs for minority communities, similar to the reservations provided for SCs, STs, and OBCs.⁴¹

Article 16(4) provides for the reservation of posts in government jobs for socially and educationally backward classes, including minority communities. The reservation policy ensures these communities can access employment opportunities and participate in the country's governance.⁴²

Articles 29 and 30 provide for the protection of the cultural and educational rights of minority communities. Article 29(1) guarantees the right to conserve the language, script, and culture of minority communities, while Article 30 provides for establishing and administering minority educational institutions.⁴³

Article 338 provides for establishing the National Commission for Scheduled Castes, which protects the rights and welfare of SCs. Similarly, Article 338A provides for the establishment of the National Commission for Scheduled Tribes, which is responsible for the protection of the rights and welfare of STs. These commissions ensure that affirmative action policies are implemented effectively and that the rights of minority communities are safeguarded.

Articles 350A and 350B articles promote the cultural and linguistic rights of minority communities. Article 350A guarantees the right to be informed about the language used in official documents. In contrast, Article 350B establishes a special officer for linguistic minorities to investigate complaints regarding the non-implementation of language-related provisions. Article 46 directs the state to promote the educational and economic interests of SCs, STs, and other weaker sections of society and protect them from social injustice and exploitation.⁴⁴

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, provides special provisions to prevent atrocities against SCs and STs and provide punishment for such offenses. The National Commission for Scheduled Castes and the National Commission for Scheduled Tribes was established under the Constitution to safeguard the interests of SCs and STs and to promote their welfare.⁴⁵

The Constitution (One Hundred and Third Amendment) Act 2019 amendment provides for reserving 10% of seats in educational institutions and government jobs for economically weaker sections (EWS) of society who do not belong to any reserved category.⁴⁶

Article 338-B of the Constitution was added as a result of the Constitution (Eighty-Fifth Amendment) Act of 2001. This article stipulates the establishment of the National Commission for Backward Classes. The Commission's objective is to investigate the situation of socially and educationally disadvantaged groups and provide recommendations for improving their well-being as a result of their findings. In 1978, the Mandal Commission was founded to identify socially and educationally backward classes in India and recommend how these classes may develop. Its suggestions were implemented in 1990, and as a result, the reservation percentage for Other Backward Classes (OBCs) was increased to 27% in government positions and educational institutions.⁴⁷

The Right to Information Act 2005 is a powerful tool that enables citizens to access information held by public authorities. This law is particularly significant for marginalized communities, as it can help them to hold public authorities accountable and demand transparency in decision-making. The Constitution provides for the establishment and administration of minority educational institutions⁴⁸. These institutions are intended to provide educational opportunities for religious and linguistic minorities and to protect their cultural and linguistic rights.⁴⁹

Overall, the Indian Constitution recognizes the historical discrimination and disadvantages certain groups face and provides affirmative action policies to address them. These policies are intended to promote social justice and inclusivity in Indian society. However, there are ongoing debates about these policies' efficacy and implementation, particularly in ensuring equitable outcomes and preventing discrimination against other groups.

It is important to note that affirmative action policies in India have been the subject of much controversy and debate. While these policies have effectively provided opportunities for historically disadvantaged groups, there are concerns about their impact on merit-based selection and the perpetuation of caste-based divisions. Some argue that affirmative action policies should be based on socioeconomic criteria rather than caste or community identity.

CONCLUSION

In conclusion, the constitutional provisions related to affirmative action policies in India reflect the country's commitment to promoting social justice and inclusivity. However, the implementation and effectiveness of these policies are still subject to ongoing debate and scrutiny. It is essential to balance providing opportunities for historically disadvantaged groups and ensuring a fair and merit-based selection process for all.

The provisions aim to ensure social justice and inclusivity for all citizens and protect the rights and interests of historically disadvantaged communities. However, much work must be done to address the country's deep-rooted social and economic inequalities and ensure that all citizens have equal access to opportunities and resources. The Indian Constitution includes several provisions for safeguarding affirmative action policies for minority communities. The Indian Constitution includes several provisions for safeguarding affirmative action policies for minority communities. These provisions aim to ensure social justice and inclusivity for all citizens and protect the rights and interests of historically disadvantaged communities. However, there are ongoing debates about the effectiveness and implementation of these provisions and the need for further measures to ensure social justice and inclusivity for all citizens.

However, the policy has also faced criticism for various reasons, such as the perpetuation of caste-based discrimination and the exclusion of other marginalized groups, such as the economically backward classes. Some also argue that the policy has led to a decrease in the quality of education and a lack of merit-based selection in government jobs and higher education institutions.

Despite these criticisms, the reservation policy in India continues to be an essential tool for promoting social justice and ensuring equal opportunities for all citizens. The government is taking steps to address the concerns raised by the policy's critics while also ensuring that the benefits of the policy are extended to those who need it the most. Overall, the reservation system in India has played a vital role in ameliorating the condition of the marginalized sections in India.

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